



QUEENS COUNTY DISTRICT ATTORNEY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NEW YORK 11415-1568

1MELINDA KATZ  
DISTRICT ATTORNEY

1WWW. QUEENSDA.ORG  
718.286.6000

1The following information is provided pursuant to the People's obligations under CPL §245.20(k) and is obtained from the files of the Queens County District Attorney's Office as well as from data maintained by the New York City Police Department. Additionally, in a spirit of full disclosure consistent with our obligations under CPL §§245.20(7) and 245.55, additional material obtained from non-law enforcement sources may also be included below. The fact that this additional information is hereby disclosed is not to be taken as a concession that its disclosure is compelled under CPL Article 245.

The information below pertains to **MOS ANDRE FIGUEIREDO Tax No. 936595** whom the People intend to call as a witness in the above captioned hearing/trial:

**1Civil Litigation:**

THE ABOVE MOS WAS LISTED AS A DEFENDANT IN THE FOLLOWING CIVIL LAWSUITS:

1. GEICO GENERAL INSURANCE COMPANY ASO DZHAFAROVA, NARMINA, ET AL. v. City of New York, INDEX NO. 15945/2018, Queens Civil Court
2. MCEACHIN, GUY v. FIGUEIREDO, ANDRE, ET AL., INDEX NO. 713597/2016, Queens Supreme Court
3. STATE FARM MUTUAL AUTOMOBILE INS CO ASO STEWART, EDNA v. City of New York, INDEX NO. 22217/2016, Queens Civil Court

**NYPD Disciplinary Information:**

THE PEOPLE ARE AWARE OF THE FOLLOWING SUBSTANTIATED, UNSUBSTANTIATED, OR PENDING DISCIPLINARY ALLEGATIONS, AND/OR LABORATORY NON-CONFORMANCE ALLEGATIONS AGAINST THIS OFFICER:

**Prior Testimony:**

4. MOS Andre Figueiredo, testified before the Honorable Arthur J. Cooperman on July 29, 2014, December 23, 2014, and February 24, 2015, in a pre-trial suppression hearing held in Part JHO, and in a written decision dated April 23, 2015, following that hearing, the court made an adverse credibility finding regarding MOS Andre Figueiredo's testimony.

The **JHO** found that it strains credulity to suggest that from a distance of one to two car lengths, MOS Andre Figueiredo was able to conclude that the object taken by the defendant from his sock, closed in his fist, and put in his pocket in one swift motion was a glassine envelope with a "shine" on it. The **JHO** felt it more likely that MOS Andre Figueiredo had a hunch or suspicion that the object was contraband, which he confirmed when he searched the defendant prior to the arrest. The **JHO** believed that unless MOS Andre Figueiredo actually saw an object that he reasonably believed contained a controlled substance, he did not have probable cause to arrest. The **JHO** found that MOS Andre Figueiredo did not see such an object and granted the defendant's motion to suppress physical evidence and statements. On April 23, 2015, the Honorable Justice Steven Paynter modified the **JHO** report by denying the

defendant's motion to suppress statements, finding that the statement was sufficiently attenuated from the unlawful arrest, and granting defendant's motion to suppress physical evidence.

See the separately attached court document(s).

**Civilian Complaint Review Board Disciplinary Information:**

FOR CCRB DISCIPLINARY INFORMATION SEE THIS OFFICER'S SEPARATELY PROVIDED CCRB DOCUMENT WHICH DISCLOSES ANY CCRB INFORMATION THE PEOPLE HAVE ON SUBSTANTIATED, UNSUBSTANTIATED, PENDING, AND OTHER POTENTIAL MISCONDUCT NOTED (OPMN) ALLEGATIONS. NOTE, OPMN ALLEGATIONS DENOTE POTENTIAL MISCONDUCT OF WHICH CCRB DID NOT HAVE JURISDICTION OVER.

Please note, additional information regarding lawsuits may be available from a variety of public data bases including <https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page> , <https://pacer.uscourts.gov/> , <https://iapps.courts.state.ny.us/webcivil/FCASMain> , and <https://iapps.courts.state.ny.us/nyscef/Login> ; additional CCRB information may be available at <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page> ; and, additional NYPD disciplinary information may be available at <https://nypdonline.org/link/2> .

The People reserve the right to move in *limine* to preclude or limit reference to this information in any further proceedings in this prosecution.

Melinda Katz  
District Attorney  
Queens County